

AN ORDINANCE TO AMEND, CHAPTER 28, ARTICLE VI OF THE CODE
OF ORDINANCES SO AS TO ESTABLISH A PENALTY FOR
NON-EMERGENCY 911 CALLS

WHEREAS, The State of Tennessee currently has in effect Tennessee Code Annotated 7-86-316, which establishes a penalty for non-emergency 911 calls; and

WHEREAS, Tennessee Code Annotated 16-18-302 (a)(1-2) recognizes and authorizes a municipal court to possess jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars (\$50.00); and

WHEREAS, Tennessee Code Annotated 7-86-316 (a) provides that violation of the Tennessee Code Annotated 7-86-316 is a Class C misdemeanor, punishable by fine only; and

WHEREAS, the City Council of the City of Memphis intends to exercise its authority to enact new ordinances governing 911 calls.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 28, Article VI is hereby amended to create a new Section 28-141 to read as follows:

Sec. 28-141. **911 calls in non-emergency situations prohibited -- Penalty.**

(a) A 911 call for a communication that is for some purpose other than to report an emergency or an event that the person placing the call reasonably believes to be an emergency is a Class C misdemeanor, subject to a 50.00 fine.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Myron Lowery
Council Chairman

Attest:
Patrice Thomas, Comptroller

SUMMARY SHEET

I. DESCRIPTION OF ITEM

Adoption of this ordinance will amend Chapter 21, Article III of the City of Memphis Code of Ordinances to create Section 21-134.4, an ordinance prohibiting school bus drivers from using mobile phones while transporting children, unless such use is necessitated by a bona fide emergency. This ordinance will make such violation a Class C misdemeanor, subject to a 50.00 fine. Once approved, the final version will be provided to the publisher for the purpose of amending the Code.

II. SOURCE AND AMOUNT OF FUNDING

Not applicable.

III. CONTRACT ITEMS

Not applicable.

IV. ADDITIONAL INFORMATION RELEVANT TO APPROVAL OF THIS ITEM

This proposed ordinance is an adoption of Tennessee Code Annotated 55-8-192. Tennessee Code Annotated 16-18-302 (a)(1-2) recognizes and authorizes a municipal court to possess jurisdiction to enforce any municipal law or ordinance that mirrors, substantially duplicates or incorporates by cross-reference the language of a state criminal statute, if and only if the state criminal statute mirrored, duplicated or cross-referenced is a Class C misdemeanor and the maximum penalty prescribed by municipal law or ordinance is a civil fine not in excess of fifty dollars (\$50.00).